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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
2060-3-78

First named inventor: Luc Phu Tran et al.

Application No.: 10/826,247

Art Unit: 2681

Filed: April 16, 2004

Examiner:

Title: SPEECH-TO-TEXT MESSAGING SYSTEM AND METHOD

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Reply to Notice to File Missing Parts (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/22/2005 JBALINAN 00000030 10826247

01 FC:1453

1500.00 OP

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Lew Macapagal
Signature

June 17, 2005

Date

Lew Edward V. Macapagal

Typed or printed name

55,416

Registration Number, if applicable

Lee, Hong, Degerman, Kang & Schmadeka

Address

(213) 623-2221

Telephone Number

801 S. Figueroa Street, 14th Floor, Los Angeles, CA 90017

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

June 17, 2005

Date

Lew Macapagal
Signature

Lew Edward V. Macapagal

Typed or printed name of person signing certificate



PATENT DOCKET NO. 2060-3-78
CUSTOMER NO. 035884

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Tran et al.

Serial No: 10/826,247

Filed: April 16, 2004

For: SPEECH-TO-TEXT MESSAGING SYSTEM AND
METHOD

Art Unit: 2681

Examiner:

TRANSMITTAL OF PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 CFR 1.137(b)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on
June 17, 2005

Date of Deposit

Lew Edward V. Macapagal

Name

Lew Edward V. Macapagal
Signature

06/17/2005
Date

Dear Sir:

In response to the Patent Office "Notice to File Missing Parts of Nonprovisional Application" dated June 28, 2004 for the above-identified application, enclosed herewith are

1. The signed Declaration/Power of Attorney;
2. Figure 5 described in the specification;
3. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); and
4. A check in the amount of \$1,630.00 to cover both the late declaration surcharge and the petition fee for a large entity.

The Commissioner is hereby authorized to charge any deficiency fees associated with this communication or credit any overpayment to Deposit Account No. **502290**. A copy of this sheet is enclosed.

06/22/2005 JBALINAN 00000031 10826247

01 FC:1051

130.00 OP

Respectfully submitted,
LEE, HONG, DEGERMAN, KANG & SCHMADEKA

Date: June 17, 2005

Customer No. 035884

By: Lew Macapagal
Lew Edward V. Macapagal
Registration No. 55,416
Attorney for Applicant(s)

801 S. Figueroa Street, 14th Floor
Los Angeles, California 90017
Telephone: 213-623-2221
Facsimile: 213-623-2211